

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/524,198
Applicant: Petrus NULJEN, *et al.*
Confirmation No.: 3848
Filed: February 10, 2005
Group Art Unit: 1645
Examiner: Khatol Shahnan-Shah
For: Streptococcus uberis protein, nucleic acid sequence
encoding the same and its use in a mastitis vaccine
Attorney Docket: 2002.013 US

July 20, 2007

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

Sir/Madam:

In reply to the Restriction Requirement issued July 3, 2007, Applicants hereby elect Group II, claim 7-12, drawn to proteins. Applicants respectfully submit that Group III, claims 13-18, drawn to vaccines should also be included with the examination of the protein claims. This election is made with traverse.

Applicants further traverse the requirement for an election of species. However, to properly respond, Applicants select the sequence homology of at least 93%, as reported in claim 7.

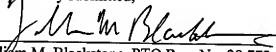
It is Applicants belief that the vaccine claims should also be examined in this application a provisional election is made to claim 13 and a homology of at least 70%.

The Examiner made reference to a journal publication by Jayarao et al., referencing Figure 2 which was said to encode numerous proteins from 2 kD to 23.1 kD. In fact, Figure 2 shows a gel of gene sequences from fourteen different isolates digested with *HindIII*. The nucleic acids identified range from 2.0 kb to 23.1 kb. This is not an illustration of proteins in a range from 2 kD to 23.1 kD.

Should it be believed that a conference would be helpful in advancing the prosecution of this application, the Examiner is invited to telephone Applicants' attorney at the number below.

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 02-2334. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 02-2334.

Respectfully submitted,


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